

### **REMARKS / ARGUMENTS**

Claims 2, 4, 6 and 8-16 remain pending in this application. No claims have been canceled without prejudice or disclaimer. New claims 15 and 16 have been added.

#### **35 U.S.C. § 112**

The Examiner questions the support in the originally filed specification for the limitation of simultaneously applying heat and pressure to the sections of the dough sheet so that they are joined. This limitation was initially added to clearly define the meaning of "thermally compressed". Thermal compression is referred to throughout the specification. However, in view of the Examiner's request, Applicants specifically point out page 11, line 23 to page 12, line 13 and page 14, lines 11-15 of the specification as examples of support.

#### **35 U.S.C. § 103**

Claims 2 and 9-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al (JP 56-24506) in view of Cassetta et al (U.S. Patent No. 5,780,091) and further in view of Nelson et al (U.S. Patent No. 6,083,545) and further in view of Huang et al (U.S. Patent No. 5,296,247). Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al in view of Cassetta et al

and further in view of Tobey et al (U.S. Patent No. 3,782,271). Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al in view of Cassetta et al and Tobey et al and further in view of Poon (U.S. Patent No. 3,489,105). Claims 8 and 12-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al in view of Cassetta et al and Tobey et al, further in view of Nelson et al and further in view of Huang et al. These rejections are traversed as follows.

It is respectfully submitted that the Examiner's reliance upon the newly cited reference to Huang et al fails to cure the deficiencies in the previous rejection of claim 2. Claim 2 recites that the dough sheet is steamed and cut into sections, a dried filling is placed on each of the sections, and then opposite edges of each of the sections of the dough sheet are thermally compressed together by simultaneously applying heat and pressure so that they are joined. Thus, according to the presently claimed invention, it is not necessary to maintain the entire steamed dough sheet at higher temperatures in order to cut or join the opposite edges of the sections.

In fact, according to disclosed embodiments in the specification, for efficiency in the *cutting operation*, the steamed dough sheet is preferably cooled to 30°C or below using cooling air (see page 7, lines 8-11) or to about 15°C using a cooler having a cold zone (see page 8, line 19 to page 9, line 3). Thereafter, the sections of the dough sheet are *thermally compressed*, such as by using a conventional compression molding machine (see page 11, line 23 to page 12, line 13). Note that this conventional compression molding machine would require application of heat

during compression to perform *thermal compression*. By using thermal compression, the filled snack can be rehydrated by using boiling water without breaking its seal for a sufficiently long period thereby maintaining a good appearance (see page 12, lines 13-19). These advantages cannot be obtained if the wrapper is sealed by simply compressing the opposite edges of the sections of dough sheet without heating them (see page 12, lines 20-21).

On the other hand, Huang et al do merely disclose that the temperature of a pasta shell should be maintained above about 70°C upon extrusion and during the stamping and cutting step (see column 16, lines 6-11). Huang et al do not disclose or suggest that the rotary stamper or cutter has heated compression plates, but simply suggests that the temperature of the pasta is maintained at 70°C, which is the lower end of the precooking temperatures of 70°C to 121°C referred to at column 6, lines 55-58. Furthermore, none of the cited references, whether taken individually or in combination, disclose steaming a rolled dough sheet and then cutting it into a plurality of sections then placing the filling and then joining the opposite edges of the sections using thermal compression, as recited in claim 2.

According to the present invention, unlike Huang et al, it is not necessary to maintain the dough sheet at 70°C in order to perform the cutting operation. Instead, by using thermal compression as described, an effective seal can be made. In fact, as mentioned above, the dough sheet of the present invention is preferably cooled to prevent the cutter from sticking to the dough sheet and thereby impairing the efficiency of subsequent operations (see page 6, line 24 to page 7 line 3). Huang et

al do not consider this point. New claims 15 and 16 have been added to specifically recite this cooling step before cutting step and the thermal compression step, but it is submitted that the independent claims do not need any such amendment.

With respect to claim 4, it is respectfully submitted that the Examiner's reliance upon Tobey et al fails to overcome the deficiencies in the previous rejection. Tobey et al disclose an automatic pie apparatus having a flour duster 25 positioned atop pulley 20 to permit flour to be placed into the dough shaping apparatus to prevent sticking of the dough on the pulleys which are utilized to shape the dough into a continuous strip (see column 2, lines 44-51). However, Tobey et al's pie is not later put in boiling water.

On the other hand, the filled snack according to the presently claimed invention is later put in boiling water and therefore the amount of powder applied to the conveyor belt depends not only upon preventing sticking of the dough to the conveyor belt but also preventing excessive powder from remaining on the resulting filled snack to avoid impairing its taste. When the filled snack is immersed in boiling water, if the powder remaining on the filled snack is excessive, it will dissolve into the liquid and impair the taste of the resulting meal. The present inventors have carefully taken this into consideration in arriving at the appropriate range as claimed (see page 10, lines 2-14). Therefore, the present range is not simply determined based upon reducing cost by reducing the amount of powder used but is based upon determining a range that prevents sticking of the dough and also prevents an

unpleasant taste upon cooking the filled snack due to the presence of powder remaining upon the filled snack.

Therefore, it is submitted that all of the pending claims are patentable over the art of record.

## Conclusion

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case. Please charge any shortage of fees due in connection with the filing of this paper, or credit any overpayment of fees, to Deposit Account 50-1417.

Respectfully submitted,

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